

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(Philadelphia)**

IN RE:

Phyllis P. Oliver,

Debtor.

Carrington Mortgage Services LLC as
servicer for Deutsche Bank National Trust
Company, as Indenture Trustee for New
Century Home Equity Loan Trust 2004-3

Creditor/Movant.

v.

Kenneth E. West

Respondent.

CHAPTER 13

CASE NO.: 24-11429-amc

HEARING DATE: August 20, 2024

TIME: 10:00 AM

**OBJECTION OF CARRINGTON MORTGAGE SERVICES LLC AS SERVICER FOR
DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE FOR
NEW CENTURY HOME EQUITY LOAN TRUST 2004-3 TO THE CONFIRMATION
OF THE DEBTOR'S CHAPTER 13 PLAN**

Movant, Carrington Mortgage Services LLC as servicer for Deutsche Bank National Trust Company, as Indenture Trustee for New Century Home Equity Loan Trust 2004-3 (“Carrington”), by and through its attorneys Hill Wallack LLP, hereby objects to the confirmation of the Debtor’s filed Chapter 13 Plan (“Plan”) as follows:

1. Carrington Mortgage Services LLC as servicer for Deutsche Bank National Trust Company, as Indenture Trustee for New Century Home Equity Loan Trust 2004-3 is the holder of a Note and Mortgage on real property owned by Phyllis P. Oliver, (“Debtor”) at 6222 N 10th Street, Philadelphia, PA 19141 (the “Property”).

2. As of April 29, 2024, the date that the instant bankruptcy was filed, the arrearage amount was \$169,546.90, which is stated on the filed Proof of Claim filed on July 7, 2024. This

amount represents monthly payments, pre-petition late charges, advances for taxes/insurance, foreclosure costs and attorney's fees incurred with respect to the default.

3. Debtor states in their Chapter 13 Plan (the "Plan") that the pre-petition arrears owed to Secured Creditor are \$43,019.08, a discrepancy of \$126,527.82.

4. As a result of the foregoing, the Debtor's Chapter 13 Plan is not confirmable as the Plan fails to provide for the full claim of Carrington Pursuant to §1325(a)(5)(B)(ii). As such, Carrington objects to the confirmation of the Debtor's Chapter 13 Plan.

5. Debtor's Chapter 13 Plan lacks feasibility in that Debtor's budgeting does not appear to support the ability to pay the increased arrearages due to Carrington. As such, Confirmation should be denied pursuant to 11 U.S.C. §13325(a)(6).

For the foregoing reasons, Carrington respectfully suggests that the Debtor cannot confirm their Chapter 13 Plan as proposed, and Confirmation should be denied.

Respectfully submitted,

/s/Angela C. Pattison, Esq
Angela C. Pattison, Esq
Hill Wallack LLP
1415 Route 70 East, Suite 309
Cherry Hill, NJ 08034
Phone: 856-616-8086
Email: apattison@hillwallack.com

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ORDER

AND NOW, this _____ day of _____, 2024, upon consideration of the Debtor's Chapter 13 Plan, and the objection of Carrington Mortgage Services, LLC, and after hearing, it is hereby:

ORDERED that confirmation of the Debtors' Chapter 13 Plan is denied.

BY THE COURT:

Ashely M. Chan
U.S. BANKRUPTCY JUDGE

Phyllis P. Oliver 6222 N 10th St Philadelphia, PA 19141-3802 Debtor VIA REGULAR MAIL	KENNETH E. WEST Office of the Chapter 13 Standing Trustee 1234 Market Street - Suite 1813 Philadelphia, PA 19107 Chapter 13 Trustee VIA ECF
MICHAEL A. CIBIK Cibik Law, P.C. 1500 Walnut Street Suite 900 Philadelphia, PA 19102 Counsel to Debtor VIA ECF	Office of United States Trustee Robert N.C. Nix Federal Building 900 Market Street Suite 320 Philadelphia, PA 19107 U.S. Trustee VIA ECF

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**CERTIFICATE OF SERVICE OF OBJECTION TO CONFIRMATION OF THE DEBTOR'S
FILED CHAPTER 13 PLAN**

I certify under penalty of perjury that I served or caused to be served the above-captioned pleading, Objection to Confirmation of the Debtor's Chapter 13 Plan, on the parties below via First-Class Mail and Electronic Notification on July 24, 2024.

Phyllis P. Oliver 6222 N 10th St Philadelphia, PA 19141-3802 Debtor VIA REGULAR MAIL	KENNETH E. WEST Office of the Chapter 13 Standing Trustee 1234 Market Street - Suite 1813 Philadelphia, PA 19107 Chapter 13 Trustee VIA ECF
MICHAEL A. CIBIK Cibik Law, P.C. 1500 Walnut Street Suite 900 Philadelphia, PA 19102 Counsel to Debtor VIA ECF	Office of United States Trustee Robert N.C. Nix Federal Building 900 Market Street Suite 320 Philadelphia, PA 19107 U.S. Trustee VIA ECF

Respectfully submitted,

/s/Angela C. Pattison
Angela C. Pattison, Esq.